

# Notice of Allowability

Application No.

09/741,977

Examiner

Michael J. Moore, Jr.

Applicant(s)

MORRIS, OCTAVIUS J.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/2000.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 20 December 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/20/00, 5/30/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**FRANK DUONG**  
**PRIMARY EXAMINER**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Belk (Reg. No. 33,357) on 11/5/2004.

The application has been amended as follows:

In claim 1, on line 7, replace word "stream" with --streams--. Also, on line 30, replace phrase "said output signal" with --said output data stream--.

In claims 2-18, on line 1, replace phrase "A method" with --The method--.

In claim 4, on line 1, replace word "the" before word "data" with --a--.

In claim 8, on line 4, replace word "the" before word "time" with --a--. Also, on line 5, replace word "the" before both words "largest" and "lowest" with --a--.

In claim 20, on line 1, replace phrase "An apparatus" with --The apparatus--.

In the specification, on page 8, lines 13-14 delete phrase "Information about the MPEG-2 system is available online at <http://www.mpeg.org>". Lastly, on page 12, line 29, replace word "conversation" with --conversion--.

### ***Allowable Subject Matter***

2. Claims 1-20 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, Shiokawa et al. (U.S. 2004/0136696) teaches a video/audio recording apparatus where an incoming transport stream (TS) is converted to program stream format (PS). Referring to Figure 1, the incoming transport stream is first demultiplexed into PES-V and PES-A streams and then demultiplexed further into elementary audio and video streams ES-V and ES-A. These elementary streams are then remultiplexed into PS format and forwarded to a recording medium. Shiokawa et al. fails to teach the use of separate video and audio payload queues prior to remultiplexing. Shiokawa et al. also fails to teach determining a valid PS schedule for remultiplexing the payload data from the queues in accordance with a PS target decoder model.

Regarding claims 2-20, these claims are all further limiting to claim 1 and are thus also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shiokawa et al. (U.S. 2004/0136696), Anderson et al. (U.S. 6,275,507), Sanami (U.S. 6,014,368), Na et al. (U.S. 6,504,996), Tozaki et al. (U.S. 6,567,409), Tiernan et al. (U.S. 6,172,988), and Yanagihara et al. (U.S. 6,211,800) are all references that contain material pertinent to this application.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**FRANK DUONG**  
**PRIMARY EXAMINER**

Michael J. Moore, Jr.  
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